

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Governmental Oversight and Accountability Committee

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BILL: CS/SB 1612

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Lawson

SUBJECT: Office of Supplier Diversity

DATE: March 2, 2010

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McKay	Wilson	GO	Fav/CS
2.			GA	
3.				
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

- |                              |  |   |
|------------------------------|--|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="checked" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>                   | Technical amendments were recommended   |
|                              | <input type="checkbox"/>                   | Amendments were recommended             |
|                              | <input type="checkbox"/>                   | Significant amendments were recommended |

**I. Summary:**

The bill amends the minority business enterprise certification and recertification process by deleting the requirement for an affidavit, and permitting certifications to include electronic signatures.

The bill amends section 287.09451 of the Florida Statutes.

**II. Present Situation:**

The Office of Supplier Diversity (office) is established with the Department of Management Services (department) to assist minority business enterprises (MBEs) in becoming suppliers of commodities, services, and construction to state government.<sup>1</sup> One of the duties of the office is to certify MBEs<sup>2</sup> pursuant to specified statutory criteria,<sup>3</sup> and to recertify MBEs at least once every two years. Recertification is accomplished via a process in which a vendor enters information in online forms, prints the forms, has the forms notarized, and returns the forms to the office.

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<sup>1</sup> Section 287.09451(2), F.S.

<sup>2</sup> Minority business enterprises are defined in s. 288.703, F.S.

<sup>3</sup> Sections 287.0943 and 287.09431, F.S., specify the requirements for certification as an MBE.

The Uniform Electronic Transaction Act in Ch. 668, F.S., permits governmental agencies to accept electronic signatures,<sup>4</sup> and defines an “electronic signature” as an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.<sup>5</sup>

### **III. Effect of Proposed Changes:**

The bill provides that the certification of a minority business enterprise may include an electronic signature, and deletes the requirement for an affidavit.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None.

#### **C. Government Sector Impact:**

None.

### **VI. Technical Deficiencies:**

None.

### **VII. Related Issues:**

None.

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<sup>4</sup> Section 668.50(18), F.S.

<sup>5</sup> Section 668.50(2)(h), F.S.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Governmental Oversight and Accountability on March 2, 2010:**

The CS deletes the requirement for an affidavit in minority certifications, and provides that certifications may include an electronic signature.

- B. **Amendments:**

None.